

general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation.

(R.S. § 4300; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

#### CODIFICATION

R.S. § 4300 derived from act June 11, 1864, ch. 121, § 2, 13 Stat. 124.

#### CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

### § 392. Complaint and answer; jury trial

At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counterstatement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

(R.S. § 4301.)

#### CODIFICATION

R.S. § 4301 derived from act June 11, 1864, ch. 121, §§ 3, 4, 13 Stat. 125.

### § 393. Amendments of complaint and adjournments

It shall be lawful for the court to allow the United States attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

(R.S. § 4302; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

#### CODIFICATION

R.S. § 4302 derived from act June 11, 1864, ch. 121, § 6, 13 Stat. 125.

#### CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

### § 394. Challenge to jurors

At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

(R.S. § 4303.)

#### CODIFICATION

R.S. § 4303 derived from act June 11, 1864, ch. 121, § 7, 13 Stat. 125.

### § 395. Limit of sentence

It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding \$500, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

(R.S. § 4304.)

#### CODIFICATION

R.S. § 4304 derived from act June 11, 1864, ch. 121, § 5, 13 Stat. 125.

### § 396. Recovery of penalties and forfeitures generally

All the penalties and forfeitures which may be incurred for offenses against title 48 of the Revised Statutes may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

(R.S. § 4305.)

#### REFERENCES IN TEXT

Title 48 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 48 of the Revised Statutes, consisting of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

#### CODIFICATION

R.S. § 4305 derived from act Dec. 31, 1792, ch. 1, § 29, 1 Stat. 298.

## CHAPTER 9—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY

### SUBCHAPTER I—IN GENERAL

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Repealed.</p> <p style="text-align: center;">SUBCHAPTER III—NEW YORK HARBOR, HARBOR OF HAMPTON ROADS, AND HARBOR OF BALTIMORE</p> <p>441. Deposit of refuse prohibited; penalty.</p> <p>442. Liability of officers of towing vessel.</p> <p>443. Permit for dumping; penalty for taking or towing boat or scow without permit.</p> <p>444. Dumping at other place than designated dumping grounds; penalty; person liable; excuses for deviation.</p> <p>445. Equipment and marking of boats or scows.</p> <p>446. Inspectors; appointment, powers, and duties.</p> <p>447. Bribery of inspector; penalty.</p> <p>448. Return of permit; penalty for failure to return.</p> <p>449. Disposition of dredged matter; persons liable; penalty.</p> <p>450. Liability of vessel.</p> <p>451. Supervisor of harbor; appointment and duties.</p> <p>451a. Harbors subject to this subchapter.</p> <p>451b. Waters included within subchapter.</p> <p>452. 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Investigation reports to Governors.</p> <p>467c. Determination of danger to human life and property.</p> <p>467d. National dam inventory.</p> <p>467e. Interagency Committee on Dam Safety.</p> <p>467f. National dam safety program.</p> <p>467f-1. Lock and dam security.</p> <p>467g. Research.</p> <p>467g-1. Dam safety training.</p> <p>467h. Reports.</p> <p>467i. Statutory construction.</p> <p>467j. Authorization of appropriations.</p> <p>467k to 467m. Repealed.</p> <p>467n. Recovery of dam modification costs required for safety purposes.</p> |
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## SUBCHAPTER I—IN GENERAL

**§ 401. Construction of bridges, causeways, dams or dikes generally; exemptions**

It shall not be lawful to construct or commence the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for (1) the bridge or causeway shall have been submitted to and approved by the Secretary of Transportation, or (2) the dam or dike shall have been submitted to and approved by the Chief of Engineers and Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Secretary of Transportation or by the Chief of Engineers and Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of Transportation or by the Chief of Engineers and Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of said plans has previously been submitted to and received the approval of the Secretary of Transportation or the Chief of Engineers and the Secretary of the Army. The approval required by this section of the location and plans or any modification of plans of any bridge or causeway does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(Mar. 3, 1899, ch. 425, § 9, 30 Stat. 1151; Pub. L. 97-322, title I, § 107(b), Oct. 15, 1982, 96 Stat. 1582; Pub. L. 97-449, § 2(f), Jan. 12, 1983, 96 Stat. 2440.)

## CODIFICATION

Section is from act Mar. 3, 1899, popularly known as the "Rivers and Harbors Appropriation Act of 1899", and together with section 403 of this title superseded act Sept. 19, 1890, ch. 907, § 7, 26 Stat. 454, as amended by act July 13, 1892, ch. 158, § 3, 27 Stat. 88, which prohibited the erection of obstructions to navigation, and prohibited the erection of bridges over navigable waters under State legislation before the approval of the plans by the Secretary of War, and prohibited the alteration of channels unless authorized by that Secretary.

## AMENDMENTS

1983—Pub. L. 97-449 amended section generally to reflect transfer of certain functions, powers, and duties of Secretary of the Army under this section to Secretary of Transportation. See Transfer of Functions note below.

1982—Pub. L. 97-322 inserted sentence at end relating to exemption.

## TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Transportation related to compliance with permits for bridges across navigable waters issued

under this section with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(c), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

Functions, powers, and duties of Secretary of the Army [formerly War] and other offices and officers of Department of the Army [formerly War] under this section to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Transportation by Pub. L. 89-670, § 6(g)(6)(A), Oct. 15, 1966, 80 Stat. 941. Pub. L. 97-449 amended this section to reflect transfer made by section 6(g)(6)(A) of Pub. L. 89-670, and repealed section 6(g)(6)(A).

**§ 402. Construction of bridges, etc., over Illinois and Mississippi Canal**

The provisions of section 401 of this title are made applicable alike to the completed and uncompleted portions of the Illinois and Mississippi Canal. Whenever the Secretary of the Army shall approve plans for a bridge to be built across said canal he may, in his discretion, and subject to such terms and conditions as in his judgment are equitable, expedient, and just to the public, grant to the person or corporation building and owning such bridge a right of way across the lands of the United States on either side of and adjacent to the said canal; also the privilege of occupying so much of said lands as may be necessary for the piers, abutments, and other portions of the bridge structure and approaches.

(June 13, 1902, ch. 1079, § 10, 32 Stat. 374; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

## CODIFICATION

Section is from part of act June 13, 1902, popularly known as the "Rivers and Harbors Appropriation Act of 1902".

## CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

## TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of the Army and other offices and officers of Department of the Army under section 401 of this title to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Trans-